considerably step up our services But the services are adequate, we consider them adequate, at the present moment

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : The question is

"That the Bill be passed"

The motion was adopted

I. STATUTORY RESOLUTION SEEKING DISAPPROVED OF THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1987

II. THE REPRESENTATION OF THE PEOPLE (THIRD AMENDMENT) BILL, 1987

SHRI JASWANT SINGH (Rajasthan) : *Mr. Vice-Chairman, Sir, I move* .

"That this House disapproves of the Representation of the People (Amendment) Ordinance, 1987 (No. 7 of 1987), promulgated by the President on the 22nd September, 1987."

Sir, normally one would not resort to the option that we have as individual Members of Parliament to move statutory resolutions of disapproval on what are otherwise necessary legislations, which are the product of the evolution of a democratic system in our country My first reservation to this Ordinance arises from the fact that it becomes self-evident, if you examine the dates on which this Ordinance is promulgated Sir, the Ordinance was promulgated on the 22nd of September this year In a fairly detailed Explanatory Note which the hon. Minister has appended to the Bill, it is explained why the issuance of the Ordinance became a necessity, and even at the cost of boring him and taking the time of the House it becomes necessary for me to repeat that reasoning The hon Minister of State in the Ministry has given other reasons why in the evolution of the various State Assemblies of the North-Eastern States it had not been possible to determine in advance, the numbers of seats of the Scheduled Tribes Therefore, that determination was left for a subsequent date The Hon. Minister says that the term of the present Legislative Assembly of the State of Nagaland is coming to an end on 28th November, 1987.

> "...and the Election Commission had to call for elections to that Assembly by the 1st of October. Before the notification calling for the elections is issued, the Election Commission should have finished its work of determination of the seats to be reserved for the Scheduled Tribes in that Assembly. This would involve some procedure and it would take about 10 to 15 days before the orders of such determination are published by it It was, therefore, necessary to amend the Representation of the People Act, 1950 immediately to achieve the object mentioned above Accordingly, the President promulgated the Representation of the People (Amendment) Ordinance, 1987 on the 22nd September, 1987 to amend the Representation of the People Act, 1950 to specify that 59 of the 60 seats in the Nagaland Legislative Assembly, . . . Would be reserved for the Scheduled Tribes ."

Likewise for Meghalaya Assembly and for Mizoram Assembly and for Arunachal Pradesh Legislative Assembly, this has been specified.

Now, my first difficulty is that elections to Nagaland could not be suddenly arriving in the legislative or governmental programme It was sufficiently well known; in fact, the day the Legislative Assembly of Nagaland came into being, it was pretty obvious that its life would end on a certain day, and if it was determinable that the life of Nagaland Assembly would end on 28th November, which necessitated this Government to come forward with an Ordinance on 22nd September, why could it not have brought about this particular piece of legislation, in the last session of the House, which after all went on with its business untill the end of the first week of September? If till the end of the first week of September both Houses of Parliament were in session, then why barely within a fortnight of the Houses rising in recess, did the Government find it necessary to issue an Ordinance on a subject

[Shri Jaswant Singh]

which was predictable It was not as if this Ordinance related to some sudden development requiring of the Government to come forward with the measure So, this is the principal difficulty which we routinely face with this Government And it is not proforma criticism that I am indulging in I do submit that we find at the end of every Parliament session, as I had occasion to mention the other day, legislative measures suddenly piling up like laundry and Members are expected to go through those legislative measures, without even reading them in the process of 2-3 days It is expected of the Government to plan its work, anticipating the requirements, treating Parliament for what it is, a deliberative, legislative body, not merely an organisation which rubber-stamps on whatever you come forward with We do not in principle, have any objection to the measure which has now become necessary But we do have substantial and substantive objection to the manner in which you are going about it, and that manner, Sir, is not reassuring, that manner does not fill us with any reassurance so far as the Government's own efficiency, of planning and organising its work is concerned. That manner is also not reassuring of the esteem in which you hold the legislature. That is my first objection And hence the Statutory Motion of disapproval

I would take this opportunity to remind the Treasury Benches because I think the present is, perhaps, a fit opportunity, and in so doing, I have to crave your indulgence because I am expanding the theme—I will be very brief—which is that one of the first commitments that this Government made, in fact, an electoral pledge, which was a pledge made by the President as well, in his first address to the joint session of Parliament, of this Government, was a pledge for electoral reform. We come across periodic utterances about electoral reforms from this Government but they have largely become a kind of ritualist homage-paying. They have lost their substance. I put it across to the treasury benches that electoral reforms are vital and urgently needed. Can we expect that this Government would uphold its pledge which it had given during the elections and which was repeated by the President in the Joint Session of Parliament?

There is one other thing which I would like to mention. Perhaps, the hon. Minister of State for Law and Company Affairs would like to elaborate on it. It is that the Election Commission, the Chief Election Commissioner, has recently written to the Government about the Constitutional amendment necessary for a delimitation of constituencies As you well know, in 1976, it was fixed that further delimitation of constituencies would not take place and that until 2,000 AD, despite a growth in population, the number of constituencies would not be increased. But delimitation would nevertheless be necessary For this delimitation, a Constitutional amendment is necessary.

Would the hon Minister throw some light on these two aspects while explaining to us the rationale for promulgating the Ordinance within a fortnight of Parliament's rising for the recess? These are the reasons which impelled me to move a Statutory Resolution of disapproval. If the Minister is able to convince me, I will reply on what he has to say

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H R BHARDWAJ) : Mr. Vice-Chairman Sir, I beg to move

> "That the Bill further to amend the Representation of the People Act, 1950 be taken into consideration"

Sir, the Constitution (Fifty-seventh Amendment) Act, 1987, inserted a new clause (3A) in article 332 .

SHRI JASWANT SINGH : Sir, on a point of order. There is a procedural difficulty. He cannot move it yet. He has to reply to me first.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : We are discussing the two things together.

SHRI JASWANT SINGH : You have not said that we are going to take them together You have not announced.

SHRI H R BHARDWAJ : It is mentioned.

SHRI JASWANT SINGH : Though it is put down in the order paper that the

two things are to be taken together, it is necessary for the Chair to announce it

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : They will be discussed together.

SHRI H. R. BHARDWAJ : Sir, the Constitution (Fifty-seventh Amendment) Act, 1987, inserted a new clause (3A) in article 332 of the Constitution. This amendment had the effect of introducing a formula different from that provided in clause 3 of article 332 of the Constitution for the reservation of seats for the Scheduled Tribes in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. According to the new clause (3A) of article 332, the number of seats to be reserved for Scheduled Tribes in the existing Legislative Assemblies of the aforesaid four States was to be determined with reference to the actual number of seats held by the Scheduled Tribes in the existing Legislative Assemblies of the said States on the date of commencement of the Constitution (Amendment) Act. The new cause (3A) also provided that if all the seats of the existing Legislative Assemblies were held by the Scheduled Tribes on the date of commencement of the Constitution (Amendment) Act, one seat shall be kept open. As regards the question of actual determination of the number of seats to be so reserved for Scheduled Tribes, the Representation of the People (Second Amendment) Act, 1987, which had been passed by Parliament, gave the requisite power for such determination to the Election Commission.

The determination by the Election Commission of the number of seats to be reserved for the Scheduled Tribes in the aforesaid Legislative Assemblies under these amendments would have been a simple matter if the same had been left to be determined with reference to the factual position on a past date. But it had to be consciously and deliberately left to be determined with reference to a future date, namely, the date of enforcement of the new Constitution (Amendment) Act because of the intention of the Government to add three more tribes to the list of Scheduled Tribes in the State of Meghalaya. At the same time, this device of determining the reserved seats with reference to the factual position on a future date had to take care of the possibility of changes occurring in the position of various Legislatures by reason of any vacancy on account of death, resignation, disqualification or otherwise. Such a situation had, in fact, arisen in the case of the Nagaland State Legislative Assembly where three vacancies which had occurred on earlier dates were not known to the Election Commission. This resulted in a situation that although by the provisions of the Constitution (Amendment) Act, 59 seats are required to be reserved for the Scheduled Tribes for that Assembly, it had reduced the number of seats to 57 in view of this position. To overcome this difficulty, it was decided, in consultation with the Election Commission and the Attorney General that the Representation of the People Act may be amended to specifically indicate therein the number of seats that would be reserved for the Scheduled Tribes in the Legislative Assemblies of these States. This suggestion was also agreed to by the Election Commission which felt that though the power of the Election Commission to determine the assembly constituencies would enable it to specify the number of seats also, it may not be possible for it to use its discretion to increase the number of seats upto 59 in view of the existing vacancies in the membership of that State Legislative Assembly and of the wording used in sub-clause (b) of the new clause (3A) of article 332 of the Constitution that "a proportion not less than the number of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly."

The proposed amendment had to be done by means of a Presidential Ordinance on the 22nd September, 1987 in view of the factual position that the term of the present Nagaland Legislative Assembly would come to an end on the 28th November, 1987 and there was very little time for the Election Commission to determine the Assembly constituencies to be reserved for the Scheduled Tribes on the basis of the new enactments and then to issue the notification calling for the election

[Shri H. R. Bhardwaj]

The Ordinance amended the Representation of the People Act, 1980 to specify that 59 of the 60 seats in the Nagaland Legislative Assembly, 55 of the 60 seats in the Meghalaya Legislative Assembly, 39 of the 40 seats in the Mizoram and Arunachal Pradesh Legislative Assemblies would be reserved for the Scheduled Tribes in the elections to these Assemblies to be held in future. This Bill seeks to replace the aforesaid Ordinance. It may, in this connection, be mentioned that the Election Commission had already taken steps on the basis of the provisions of the Ordinance and the election to the State Legislative Assembly of Nagaland had already been called by the Election Commission.

I commend the Bill for consideration of the House.

The questions were proposed.

SHRI MOSTAFA BIN QUASEM (West Bengal): Mr. Vice-Chairman, Sir, We understand that the present piece of legislation seeks to replace the Representation of the People (Amendment) Ordinance, 1987, promulgated by the President on 22nd September, 1987. Sir, I am opposed to the Government's recourse to legislation through Ordinances except under very very special and emergent circumstances. To my understanding, the Ordinance itself was avoidable and, therefore, the present legislation too, had the Government been a bit prudent at the time of introducing and enacting the Representation of the People (Second) Amendment Act in August this year.

Now the background for promulgation of this Ordinance has been explained by the hon. Minister. Clause 3A in article 332 of the Constitution provides for a new formula other than the formula provided in clause 3 of the said article for determination of seats to be reserved for Scheduled Tribes in the 4 North-Eastern States of the country. Subsequently, we are given to know that the Election Commission found it difficult and perhaps the Election Commission felt a bit shaky to determine by itself the number of seats to be reserved for the Scheduled Tribes. You will kindly appreciate that had the Government, in its minimum wisdom, consulted the Election Commission at the time of introducing and enacting the Representation of the people (second) Amendment in August this year, the position would have been clear and the Government would not have to indulge in an unnecessary legislation in the form of Representation of People (Second) Amendment Bill. And what is more, the Members of Parliament would have been spared the trouble to participate in a meaningless exercise. I would like to say, had the Government been a bit pruden., it would have been able to anticipate the difficulties which were subsequently felt by the Election Commission to determine by itself the number of seats for the scheduled tribes in the Legislative Assemblies of these four States. So, this Ordinance and the legislation could have been avoided by the Government. Now in order to remove these difficulties, the Parliament is called upon to enact this piece of legislation.

Sir, the entire episode has a revealing effect, to my understanding. I think the Election Commission lacked in confidence to make use of the power conferred on it by the Representation of the People (Second Amendment) Act, 1987, to determine by itself the number of seats to be reserved for the scheduled tribes in these four States. And to my understanding, again, Sir, this inability on the part of the Election Commission to act with confidence in this particular respect had flowed from the inherent weakness in the composition of the Election Commission which continues to be a single-membere body. If this is so, and I think it is so, this provides an additional justification for the demand made by many Opposition parties of our country to rejuvenate the Election Commission by making it a multi-member body rather than what it is now—a single member body. I think the Government should seriously consider the matter and take a decision at the earliest date, otherwise so far as the subject mater of the Bill is concerned, I have no objection to that. Thank you.

SHRI KAMALENDU BHATTACHARJEE (Assam): Mr. Vice-Chairman, Sir, today I intend to speak not as a Congress (I) Member of Parliament, not as a Member from the North-east, but as a true Indian citizen, as a responsible Member of this ..

SHRI DIPEN GHOSH (West Bengal): You want to say that Congress (I) Members are not always responsible members

SHRI KAMALENDU BHATTACHARJEE: . Council of States. It is fortunate that we have this body—the Council of States. We call it Rajya Sabha. It has not yet deviated from its sense of propriety, nor has it yet lost the just sense of its own dignity and high responsibility. It is a body to which the country and its millions and billions of people look up to with confidence for its saner voice, for its patriotic and healing counsel.

There is no denying the fact that we are living in the midst of strong agitations, violent agitations and bloody agitations. There is also no denying the fact that we are surrounded by considerable dangers to our Constitution, to our Government and to our institutions. The South, the North, the East have combined to throw the sea into great commotion to turn the billows upto the sky and expose its profoundest depth. Let me confess very candidly that I do not effectively regard myself as holding the key to the solution of these problems, these bloody tangles, but I have a duty to perform. Let me perform my duty with fidelity. I have a part to act, not for own safety, not for my own security, but for the good of the country, for the welfare of the millions of true Indian citizens. And let me quote Shakespeare's saying: "Hear me for my cause." Respected Vice-Chairman, I speak today out of an anxious and solicitous heart for the restoration to my own country of that harmony, of that peace, of that quiet, which makes my motherland, India, so rich and dear to us all. Sir, with all the modesty and humility at my command, I would like to say that no honourable Member of this House thinks more highly of patriotism as I do. As I love this country, as I feel exercised and excited about the problems of this country, about the problems of the people of this country, I would like to speak freely about my sentiments and without reserve. Should I keep back my opinion at this point of time for fear of offence, I think I will be guilty of an act of treason. I will be guilty of an act of disloyalty to my own people.

Sir, this amendment Bill seeks to reserve, for the tribal people, 39 out of 40 seats in the State of Arunachal Pradesh, 55 out of 60 in Meghalaya, 39 out of 40 in Mizoram and 59 out of 60 in Nagaland, in the Assemblies. Sir, I welcome this step.

Sir, I am a man from the north-east. We have seen the troublesome days there, we have seen how the people of Nagaland, how the people of Mizoram, tried to secede. Now this is a very healthy sign. It is very fortunate that they have been brought back into the constitutional process. It is a very healthy sign that the same Laldenga, who revolted against the Union of India, has gone on record saying, "If I once again take up arms, I will take up arms to defend the honour and integrity of India." This, indeed, is a very laudable change. But, with a heavy, solicitous and painful heart I must express my feelings, that if tribal people have got the liberty to stay in non-tribal areas, non-tribals also have got every liberty to stay in tribal areas with respect and dignity. It is a very good sign that our honourable Prime Minister, while addressing an election meeting in Nagaland, has assured the people of religious and linguistic minorities that their interests will be safeguarded.

Honourable Vice-Chairman, Sir, Cardinal Newman, in his *Idea of University*, commented: "To think correctly is to think like Aristotle." And what did Aristotle say about justice? He said, "Justice consists in tolerance of the majority towards the minority." That is what should be the approach in all these States, because in all these States tribal people are in majority. Sir, you know there was a very painful thing: A few days back we have read that in the Garo hills, people of religious and linguistic minority have been persecuted and many of them have died. This should not happen. India is a secular State. Here the interests of people of religious as well as linguistic minorities should be always upheld, should be properly looked after. Sir, through you I would like to draw the attention of the Central Government to this point so that our honourable Prime

Minister gives his pointed and sharp attention to this particular matter

The same thing is happening in the vicinity, that is, in Assam. It is a very healthy sign that the new Chief Minister of Assam has gone on record saying that he is not opposed to the interests of religious and linguistic minorities and he will not tolerate it if genuine Indian citizens are harassed. I expect that his administration will back up his promise. If he says something and if his administration does the other thing, then the minority interests can never be safeguarded in the whole of the north-east region Respected Mr. Vice-Chairman, I understand, there is a move for introduction of an inner-line permit system in those States. I strongly oppose the move because we have every right as free citizens of India to move in different parts of the country freely, and introduction of an inner-line permit system will simply take away that valuable right

Respected Vice-Chairman, Sir, I would just conclude by quoting a line from Mr P N Haksar Mr. P. N. Haksar, in his article entitled "Restoring Gandhi-Nehru Nexus", states and I quote :

> "The spirituality of Gandhi and Nehru constituted the finest expression of humanism, the essence of which lay in the vision of a society where love and compassion transcend hatred and violence India today desperately needs the restoration and articulation of that vision"

With these words, Sir, I support the Bill

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh) . Mr Vice-Chairman, at he outset, I associate myself with the sentiments expressed by the CPM Member, Mr Mostafa Bin Quasem on the misuse by the Government of the provisions of the Constitution about ordinance, on the wasting of Parliament's costly time by bringing about a number of legislations on the same and single issue and also on the creation of multi-member Election Commission of India

Coming to the point, the Government poses as if the Government of the Congress Party alone is interested in the welfare of the Scheduled Castes and the Scheduled Tribes, which is not true Everyone in the House and everyone in the country is equally interested in the welfare of the Scheduled Castes and the Scheduled Tribes. We are no less than anybody else for the welfare of these sections For instance, the Telugu Desam Government in Andhra Pradesh has increased the reservation of seats for the Scheduled Tribes from 4 per cent to 6 per cent and that for the Scheduled Castes from 14 per cent to 15 per cent. Apart from these, the Government of Andhra Pradesh has created reservations for backward classes to the tune of 42 per cent. last year. Of course, it was struck down by the court of law, and it is not in force

Sir, the four States in the North-East India have been provided with this new legislation. As stated by Mr Quasem earlier, this should have been done in the month of August itself when the Second Amendment to the Representation of the People Act and the Constitution Amendment were brought before the House. Unnecessarily, they had not mentioned the figures This Bill mentions 59 seats for the Scheduled Tribes in the Nagaland Assembly, 55 seats for the Scheduled Tribes in the Meghalaya Assembly, 39 seats in the Mizoram Assembly and 39 seats in the Arunachal Pradesh Assembly This is the only purpose of bringing this legislation, which should have been achieved by the earlier legislations alone

Sir, the prime purpose of this Bill is known to all, and we support it But the Government and the ruling party are making use of these things. For instance, the Prime Minister has gone to Nagaland He was in election campaign recently. He has mentioned that we are raising the number of seats reserved for the Scheduled Tribes in the Assemblies of the north-east States.

On this occasion, I would like to mention that the Prime Minister has promised financial assistance of Rs 666 crores for the development of Nagaland You may know that the Prime Minister had earlier gone to West Bengal also for election campaign, and he had promised some hundreds of crores of rupees worth of financial assistance to that State. He had gone to Haryana for election campaign

There also he had promised financial assistance of hundreds of crores of rupees to that State He has also gone to Kerala

4.00 P.M.

and announced similarly. Whenever the Prime Minister has gone on election campaigns, he has promised hundreds of crores of rupees as financial assistance to the States He forget those promises after getting defeated in the elections Wherever the Prime Minister has promised financial assistance the opposition parties came to power in those States He has forgotten his own promises Moreover the Prime Minister has stated in the Nagaland elections that the Opposition parties who are campaigning for their parties in Nagaland will go back to their States and demand more financial assistance at the cost of Nagaland. We are quite rightful to demand any financial assistance for the development of our State but not at the cost of Nagaland We are happy that the Prime Minister has promised Rs 666 crores as financial assistance to Nagaland. We wish Nagaland all prosperity and good luck to get more funds from the Centre. We also plead for more funds for other States. This is a politically motivated promise and a politically motivated false allegation and this will not last long I would like to state on this occasion that this sort of false propaganda will put the Congress Party alone to a loss and it will not affect the prospects of the other parties. I am sure that the people of Nagaland will definitely realise these false statements and they will again vote against the Congress party Since Mr Rajiv Gandhi's assumption as Prime Minister of this country in the States' elections which were held so far, the Congress party was voted against and the same thing will be repeated in Nagaland also. But unnecessarily the party in power is making false propaganda.

With these remarks I support the Bill

SHORT DURATION DISCUSSION ON THE DROUGHT AND FLOOD SITUATION IN DIFFERENT PARTS OF THE COUNTRY—Contd

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Now, we shall continue the discussion on drought and flood situation Shri Virendra Verma.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) . माननीय वाइस चेयरमैन महोदय, देश की छठी पचवर्षीय योजना में . **(व्यवधान)** . . . रामानन्द जी, आपसे ही सबधित कह रहा हू . . . **(व्यवधान)** . . .

[उपसभाध्यक्ष (श्री मुस्तफा बिन कासिम) पीठासीन हुई]

माननीय वाइस चेयरमैन महोदय, देश की छठी पचवर्षीय योजना के डाक्यूमेंट में बताया गया है कि . . . **(व्यवधान)** . . रामानन्द जी, सुनिए जरा, सन् 1952 से सन् 1980 के वर्षों के बीच बाढ़ का क्षेत्रफल दुगुना हो गया है। . **(व्यवधान)** .

SHRI JASWANT SINGH (Rajasthan) : It is a small point of order. It is more really by way of appeal to the Treasury Benches. This is a discussion on drought It is a very significant discussion. Everyone has been talking ritually of this being the century's worst drought I have full faith in the ability of my friend hon. Shri Ramanand Yadav but we would have greater reassurance about the Treasury Benches if some of their other Ministers were also present, because the consequences of the drought are widespread I am sure they have other things to do but this is a major discussion that is taking place, perhaps, the Parliamentary Affairs Minister can appeal to them and ask them to come here and not leave it just to my good friend, Mr Ramanand Yadav i salready here.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M M. JACOB) : The Minister of Agriculture is coming and Mr Ramanand Yadav is already here

श्री रामानन्द यादव (बिहार) : अभी तो शुरू हुआ है । इतना अधीर होने की आवश्यकता नहीं है ।

श्री वीरेन्द्र वर्मा . मुझे इजाजत है। क्या बताऊं, तीसरी दफा मुझे कहना पड गया।

माननीय वाइस चेयरमैन महोदय, सन् 1952 से सन् 1980 के बीच के वर्षों में देश में बाढ का क्षेत्रफल छठी पचवर्षीय योजना के डाक्यूमेंट के अनुसार दो गुना हो गया है,